



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SANBORN REGIONAL SUPPORT STAFF/Affiliated :
with the SANBORN REGIONAL EDUCATION :
ASSOCIATION/NEA-NEW HAMPSHIRE :

Petitioner :

v. :

SANBORN REGIONAL SCHOOL DISTRICT, :
S.A.U. NO. 17 :

Respondent :

CASE NO. M-0573

DECISION NO. 84-69

APPEARANCES

Representing the Support Staff:

Marc Benson, UniServ Director, NEA-NH
Rosemary Putnam, President, SREA

Representing S.A.U. 17:

Robert Leslie, Esq., Counsel
Harry Ryerson, Superintendent

BACKGROUND

A petition for certification was filed July 6, 1984 by the President of the Sanborn Regional Education Association, NEA-NH, for a proposed unit of support personnel; i.e., school secretaries; administrative assistants; administrative secretaries; guidance secretaries; lunchworkers, including head cooks; and, media personnel, including aides and coordinators.

Counsel for the District filed exceptions to the proposed unit on the grounds that the categories of employees included lacked a community of interest within the meaning of 273-A and PELRB rules and regulations. A motion to clarify the exception was later filed to show that the unit, as proposed, was inappropriate and would adversely impact on the efficiency of government operations as it excludes many categories of support staff within the district.

A hearing was held in the Board's offices in Concord on September 6, 1984 and all parties were afforded an opportunity to present evidence in support or opposition to the proposed unit.

FINDINGS OF FACT

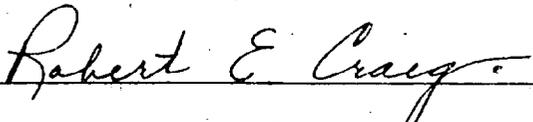
- Testimony was presented that all support personnel in the District had been contacted and invited to attend preliminary meetings in an effort to determine interest in the formation of a unit.
- Custodial employees and bus drivers evidenced no interest in the proposed unit.
- The petition filed met the requirements under 273-A:10 in that over thirty percent of the employees in the proposed unit signed individual signature cards indicating their desire to be represented in collective bargaining by an employee organization as their exclusive representative.
- The school secretaries, lunchworkers and aides evidenced a self-felt community of interest.
- The proposed unit is appropriate in regards to similarity of interest, needs, and general conditions of employment.

DECISION AND ORDER

In general, PELRB finds that it would be in the best interests of the employees to be included in the proposed bargaining unit and of the School District that an election be held to determine whether or not these employees desire the Sanborn Regional Support Staff, Affiliated with the Sanborn Regional Education Association, NEA-New Hampshire to become the exclusive bargaining agent for the school secretaries, lunchworkers and all aides, and that the unit is an appropriate one under the circumstances.

Now, therefore, it is hereby ORDERED pursuant to RSA 273-A:10, that a collective bargaining unit for the secretaries, lunchworkers and aides is appropriate; and that a secret ballot election shall be conducted by this Board prior to October 3, 1984 to determine whether or not these employees wish to be represented for exclusive bargaining purposes by the Sanborn Regional Support Staff, Affiliated with SREA, NEA-NH.

Pre-election conference to be held at 9:30 a.m., September 26, 1984 in the Office of the Superintendent, Kingston, N. H.



ROBERT E. CRAIG, Chairman

Decision reached at the September 14, 1984 PELRB hearing and transmitted by phone to Attorney Robert Leslie and Marc Benson of NEA-NH on September 15, 1984.

Decision: Chairman R. E. Craig, Russell F. Hilliard, Esq. and Seymour Osman voting in favor of granting the unit; Board member, Richard W. Roulx dissenting. Also present, Executive Director, Evelyn C. LeBrun.

Dissenting opinion attached.

SANBORN REGIONAL SUPPORT STAFF

I dissent from the majority opinion of my colleagues on the New Hampshire Public Employee Labor Relations Board.

The main focus of this case is the appropriate bargaining unit as dictated by NHRSA 273-A:8. The legislative history as to why a minimum of 10 employees was set is apparent that because of the very nature of New Hampshire, many jurisdictions may only employ 10 to 15 employees. It is clear that legislature wanted to be sure that these small units had the opportunity to join an organization of their choice. Larger jurisdictions are not mentioned anywhere in the legislative history.

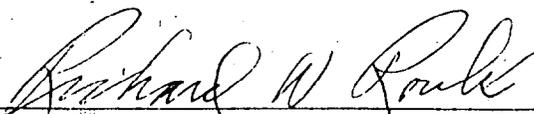
In the case at hand, both the SRSD and SREA in testimony before the Board agreed that the support staff (40) did in fact have a community of interest. Testimony by Rose Mary Putnam indicated that all the support staff were invited to the organizational meetings, but the custodians, bus drivers and some of the aides did not come. I do not consider that fact sufficient evidence to ask this Board to split the unit from 40 to 18. The SREA then obviously made the decision that if they had 17 cards requesting an election out of a possible 40 employees, they would have little chance of success. As a result, they now ask this Board to dissect what I consider a small community of interest support staff from 40 to 18. A parallel would be two persons in a poker game and giving one player 4 aces in his hand, this is the scenario that this Board has been asked to agree on.

School District Attorney Leslie makes a very compelling case when he refers to the SEA vs Grafton County case (83-14) and said that the community of interest there (entire non-professional Nursing Home staff) was equally applicable in this case. The support staff was important to the support of a Nursing Home patient as the support staff of SRSD is to the total education of children. His further statement in item 13 of his request for findings of fact, that certifying the unit proposed would leave the district with the potential for three more units being organized, is an untenable situation to put a small single school district in and would create an unnecessary expense to the taxpayers.

It is my interpretation that an election should encompass an entire community that work towards a common goal whether there are 15 or 100 employees. Labor organizations should be equal with management going into an election, i.e., either a majority of the entire unit want representation or not.

In looking at prior decisions of the NHPELRB, I agree with both attorneys that the Board has verdicts going both ways. I cannot comment on those decisions as I was not a member of the Board at that time. I am sure, however, that the Board must have had compelling reasons following testimony to cause them to make those decisions.

In the opening statement of Attorney Leslie, he asked the Board if they ruled in favor of an election, that it be held among the entire support staff (40). I support that request. The SREA has the required 30% of the total support staff, sufficient to have an election called for.


RICHARD W. ROULX, Board Member PELRB